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JAFFE & ASHER LLP

ATTORNEYS AT LAW

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WWW.JAFFEANDASHER.COMTOLL FREE 888-625-9895
TEL 212-687-3000
FAX 212-687-9639**VIA FACSIMILE (914)390-4179
& ELECTRONIC CASE FILING ("ECF")**District Court Judge Nelson Stephen Román
United States District Court, Southern District of New York
300 Quarropas Street, Courtroom 218
White Plains, New York 10601*Pre-motion Conference is scheduled
for May 28, 2015 at 11:15 am. Both
Plaintiffs April 27, 2015 directed to
respond to this letter in writing (not
to exceed 3 pages) by May 8, 2015.**Dated: April 28, 2015***SO ORDERED:**
HON. NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE**Re: Frank-Michael Cassano and Camille-Carmela Cassano v. Discover
Bank, Jaffe & Asher and Does 1-10, Inclusive
Index No. 7:15-cv-01186-NSR**

Dear Hon. Nelson S. Román:

This office is counsel for DISCOVER BANK ("Discover"), JAFFE & ASHER, LLP ("J&A") and DOES 1-10, inclusive (collectively referred to as "Defendants"), in the above-captioned matter.

Pursuant to the terms set forth in Your Honor's Part Rules for Individual Practice in Civil Cases, Defendants respectfully submit this correspondence to advise this Court that Defendants intend to file a Pre-Answer Motion to Dismiss Plaintiffs' Complaint pursuant to Federal Rules of Civil Procedure ("FRCP") §§ 12(b)(2) and 12(b)(5), due to insufficient service of process and lack of personal jurisdiction over the Defendants.


Accordingly, Defendants respectfully request a pre-motion conference with Your Honor, and a stay of the deadline for Defendants to move to dismiss Plaintiffs' Complaint pre-Answer.

Thank you in advance for Your Honor's consideration of this request. If you should require any additional information, please contact me at (212)687-3000 ext. 2692. I can also be reached via electronic mail at aaltshuler@jaffeandasher.com.

Very truly yours,

JAFFE & ASHER LLP

By:


Aleksandr Altshuler (AA0506)

cc: Frank and Camille Cassano, P.O. Box 561, 26 Fawnwood Lane, Fort Montgomery, New York 10922 (via USPS First Class Mail and FedEx Overnight Express Mail)

This is a communication from a debt collector.

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 4/28/2015

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Copies mailed 4/28/2015 @
Chambers of Nelson S. Román, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK-MICHAEL CASSANO and
CAMILLE-CARMELA CASSANO,

Plaintiffs,

-against-

DISCOVER BANK
JAFFE & ASHER and
DOES 1-10, inclusive,

Defendants.

Index No.: 1:15-cv-01186-UA

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

I, Gerald S. Williams, being duly sworn, say:

I am not a party to the above-captioned action, am over 18 years of age, and reside in Kings County, New York.

On April 27th, 2015 I mailed a copy of Defendants' Correspondence requesting a pre-Motion Conference, for the above entitled action via first class mail, in a sealed envelope, with postage pre-paid thereon, in an official depository of United States Postal Service ("USPS") within the State of New York properly addressed to:

Frank Cassano
Camille C. Cassano
P.O. Box 561
26 Fawnwood Lane
Fort Montgomery, New York 10922

I further affirm that an additional copy was mailed to the above recipients via overnight courier, to be made deliverable by Federal Express, with the tracking number 773467057586.

Sworn to before me this
27 day of April 2015

NOTARY PUBLIC

Gerald S. Williams

ALTSHULER ALEKSANDR
NOTARY PUBLIC-STATE OF NEW YORK
No. 02AL6267680
Qualified in Kings County
My Commission Expires August 20, 2016

JAFFE & ASHER LLP

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FACSIMILE TRANSMISSION COVER SHEET

DATE: April 27, 2015

Please deliver the following 2
page(s) (including cover sheet) to:

NAME: Clerk of the District Court

FAX NUMBER: (914)390-4179

FROM: Gerald Williams, Paralegal

RE: Frank-Michael Cassano and Camille-Carmela Cassano v. Discover
Bank, Jaffe & Asher and Does 1-10, Inclusive
Index No. 1:15-cv-01186-UA

IF YOU DO NOT RECEIVE ALL THE PAGES CALL THE SENDER AT (212) 687-3000

Message:

Good Evening,

Please find enclosed correspondence relating to Defendants' request for a pre-motion conference.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

This is a communication from a debt collector.

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